

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2429 – SB 2394

March 14, 2016

SUMMARY OF ORIGINAL BILL: Requires each higher education institution, that accepts non-immigrant students who possess an F-1 or M-1 student visa, to provide a bi-annual report to the Department of Safety (DOS) including the number of such non-immigrant students enrolled at an institution; the number of such students who were enrolled at an institution at the beginning of each period of study; and the name and address of each student who was enrolled at the beginning of a period of study, but who were not enrolled at the end of a period of study.

Requires the DOS to develop a form that institutions shall use to make the report. Requires each institution to submit the first report by June 30, 2016, covering academic years 2012-2013 through 2015-2016.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

Other Fiscal Impact - Federal funding allocated to higher education institutions may be jeopardized if institutions disclose without proper consent names and addresses of students, who are protected under the federal Family Educational Rights Protection Act (FERPA). Any reduction in federal funding would be at the discretion of the federal government and cannot be reasonably quantified. The Governor's budget projects state public higher education institutions to receive \$217,269,700 in federal funding in FY16-17.

SUMMARY OF AMENDMENT (013344): Deletes all language of the original bill. Authorizes the Commissioner of the DOS to issue a subpoena for valid law enforcement purposes to an institution of higher education to compel the production of the following information from higher education institutions in Tennessee: the number of non-immigrant students who possess an F-1 or M-1 visa for instruction enrolled at an institution at the beginning and end of a period of study; and the names and addresses of non-immigrant students who were enrolled at the beginning of a period of study, but were not enrolled at the end of the period of study.

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Provides the Commissioner of the DOS the discretion to include in any subpoena, a directive to the institution that notification shall not be given to students whose names and addresses are being released. Deletes Tenn. Code Ann. § 49-7-159 relative to reporting requirements on such students to the DOS by higher education institutions.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

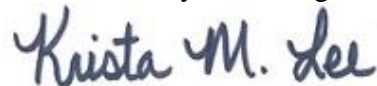
NOT SIGNIFICANT

Assumptions for the bill as amended:

- The Commissioner of the DOS will utilize existing resources to issue any subpoenas and collect any necessary information.
- Based on information from the Tennessee Board of Regents (TBR), release of student names and addresses by institutions under the provisions of the bill as amended, would not be considered a violation of federal Family Educational Rights Protection Act (FERPA), which is codified in 20 U.S.C. § 1232g; 34 CFR Part 99; therefore, it is assumed that no federal funding will be placed in jeopardy as a result of the bill as amended.
- The fiscal impact for the bill as amended is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/rbp